

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ALLISON LENDING LLC,

Plaintiff,

-against-

CROTON DEVELOPMENT LLC,
VASEL BALBONA

Defendant.

DECLARATION OF
VASEL BALBONA

DKT NO. 7:24-cv-07956-PMH

-----X

STATE OF NEW YORK; COUNTY OF WESTCHESTER; SS:

VASEL BALBONA, UNDER PENALTY OF PERJURY DEPOSES AND SAYS:

1. I am the individual defendant in the above action and am also the owner of Croton Development LLC (the "LLC"). I am fully familiar with the facts and circumstances set forth herein. I submit this declaration in opposition to the Order to Show Cause of plaintiff, Allison Lending LLC.

2. As background to this matter, I am presently incarcerated in the Westchester County Jail and have been there since January 16, 2025. Prior to that and directly related to my incarceration, on July 24, 2024, I was critically injured in an automobile accident. I have been hospitalized, in an in-patient physical therapy center or bedridden until shortly before my arrest. I was not made aware of service of the summons and complaint that was served on the secretary of state on December 17, 2024, or on me personally.

3. The premises that is the subject matter of this foreclosure action is my home and not a commercial property. I lived there until my accident and incarceration and my three children, who range in age from 17 to 24, still live there. When I took out this loan, I was told that I had to form the LLC in order to obtain the loan. I was also told to make sure there was no one home when the appraiser came to inspect the premises and property. For this reason, I believe the lender has known all along that this actually is a residential property and a residential loan.

4. In addition, when I signed the forbearance agreement, I was already incapacitated from my accident. I did not know and do not understand how my family and friends paid \$38,000 to bring the mortgage up to date but still have this action pending. Once I paid and the plaintiff accepted the \$38,000, the allegations in the complaint were no longer valid. Also, I thought that once I paid the back payments, my payment ended the matter and that I did not have to answer the summons and complaint. A copy of the bank statement showing the wire to plaintiff is annexed as Exhibit A.

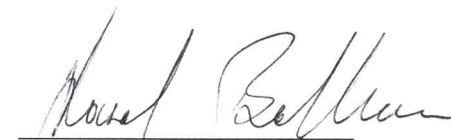
5. I believe that this action should be dismissed, or at minimum, the plaintiff should be required to file an amended complaint that fits the facts of the case, and not facts that are now moot. Plaintiff should also acknowledge in its complaint that it was aware that people lived at the premises.

6. Alternatively, I have attached as Exhibit B a copy of a proposed answer to the complaint, and I respectfully request that the Court deny plaintiff's motion, that I be permitted to accept my answer, and that the action should then proceed like a normal litigation.

7. Finally, in conjunction with the relief requested, I would like to work on a plan to make up the past payments and bring the loan current. I have assistance from family and friends to do so while I am incarcerated. As such, I would ask the court to send this case to a conference, where this matter could hopefully be resolved in a more economical matter for everyone involved.

8. For all of the foregoing reasons, I ask the Court to; (1) deny plaintiff's motion and dismiss the action, or (2) deny plaintiff's motion and require plaintiff to file an amended complaint; or (3) deny plaintiff's motion and permit me to file the answer annexed hereto as Exhibit B.

Dated: Westchester, New York
April 24, 2025


Vasel Balbona